

**UTILITY PATENT APPLICATION TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 04131.P005C2

(maximum 12 characters)

First Named Inventor Jeffrey W. Baxter, et al.Title: APPARATUS AND METHOD FOR MINIMALLY INVASIVE SURGERY USING ROTATIONAL CUTTING TOOLExpress Mail Label No. EV 336 583 553 US

ADDRESS TO: Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.        Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2.        Applicant Claims Small Entity Status. (37 CFR 1.27)
3.   X   Specification (Total Pages   34  )  
(preferred arrangement set forth below)
  - Descriptive Title of the Invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference sequence listing, a table,  
or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.   X   Drawings(s) (35 USC 113) (Total Sheets   8  )
5.   X   Oath or Declaration (Total Pages   5  )
  - a.        Newly Executed (Original or Copy)
  - b.   X   Copy from a Prior Application (37 CFR 1.63(d))  
(for Continuation/Divisional with Box 18 completed)
    - i.        **DELETIONS OF INVENTOR(S)** Signed statement attached deleting  
inventor(s) named in the prior application, see 37 CFR 1.63(d)(2)  
and 1.33(b).
  - c.        Unsigned.
6.        Application Data Sheet. (37 CFR 1.76)
7.        CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8.        Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a.        Computer Readable Form (CRF)
  - b.        Specification Sequence Listing on:
    - i.        CD-ROM or CD-R (2 copies); or
    - ii.        paper
  - c.        Statement verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. \_\_\_\_\_ Assignment Papers (cover sheet & documents(s))
10. \_\_\_\_\_ a. Separate 37 CFR 3.73(b) Statement (where there is an assignee)  
 \_\_\_\_\_ b. Power of Attorney
11. \_\_\_\_\_ English Translation Document (if applicable)
12.   X   a. **Information Disclosure Statement (IDS)/PTO-1449**  
 \_\_\_\_\_ b. Copies of IDS Citations
13.   X   **Preliminary Amendment**
14.   X   **Return Receipt Postcard (MPEP 503) (Should be specifically itemized)**
15. \_\_\_\_\_ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. \_\_\_\_\_ Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
- 17A. \_\_\_\_\_ Claim for Foreign Priority
- 17B.   X   **Other:** Submission of Formal Drawings transmittal and 8 sheets of drawings

17C.   X   Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

**18. If a CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title (e.g., by way of preliminary amendment), or in an Application Data Sheet Under 37 C.F.R. 1.76:

  X   Continuation \_\_\_\_\_ Divisional \_\_\_\_\_ Continuation-in-part (CIP)  
 Of Prior Application No.: 10/022,680 Examiner Johnson III, Henry Group Art Unit 3739  
 (which is a   X   continuation/ \_\_\_\_\_ divisional/ \_\_\_\_\_ CIP of prior application no. 09/522,254,  
 which is a \_\_\_\_\_ continuation/ \_\_\_\_\_ divisional/ \_\_\_\_\_ CIP of prior application no. \_\_\_\_\_) (List entire chain of priority)

Applicant(s): Also include a Preliminary Amendment to amend the specification to claim priority.

**For CONTINUATION AND DIVISIONAL APPS only:** The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. Correspondence Address  
 \_\_\_\_\_ Customer Number or Bar Code Label \_\_\_\_\_  
 or \_\_\_\_\_ (Insert Customer No. or Attach Bar Code Label here)  
  X   Correspondence Address Below

NAME James C. Scheller, Jr.  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

ADDRESS 12400 Wilshire Boulevard  
Seventh Floor

CITY Los Angeles STATE California ZIP CODE 90025-1026  
 Country U.S.A. TELEPHONE (408) 720-8300 FAX (408) 720-8383

Name (PRINT/TYPE): James C. Scheller Jr. Registration No.: 31,195  
 Signature: [Signature] Date: 11/18/2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jeffrey W. Baxter, et al.

Application No. \_\_\_\_\_

Filed: November 18, 2003

For: APPARATUS AND METHOD FOR  
MINIMALLY INVASIVE SURGERY  
USING ROTATIONAL CUTTING TOOL

Examiner: Not yet assigned

Art Unit: Not yet assigned

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

SUBMISSION OF FORMAL DRAWINGS

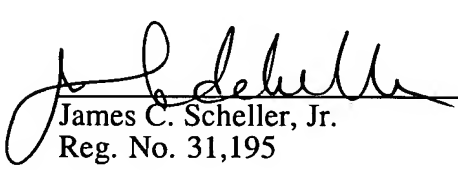
Dear Sir:

Transmitted herewith is a complete set of formal drawings, comprising eight (8) sheets and twenty-nine (29) figures for the above-identified application.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 11/18, 2003

  
James C. Scheller, Jr.  
Reg. No. 31,195

12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, CA 90025-1026  
(408) 720-8300

EXPRESS MAIL CERTIFICATE OF MAILING

"Express Mail" mailing label number: EV 336 583 553 US

Date of Deposit: November 18, 2003

I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Connie Thayer  
(Typed or printed name of person  
mailing paper or fee)

Connie Thayer  
(Signature of person mailing paper or fee)

11-18-03  
(Date signed)